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# CURRENT LICENSING ISSUES IN PSYCHOLOGY

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Washington State Examining Board of Psychology

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Winter 1997

## Board Chair

*-Mark Soelling*

1997 was a big year for the Examining Board of Psychology. Our program manager of many years, Terry West, moved to another position in the Department of Health. Terry provided the board with excellent administrative services and we wish her the best in her new job. After Terry departed, Kristin Hamilton filled in and kept the board running smoothly. Janice K. Boden was hired in June as a permanent program manager. Janice brings a wealth of experience to the board as she has managed a variety of programs and projects in the department. Also, Lisa Richesson joined the board as a new public member in 1997. Please welcome them.

Board activities included revising the license application to make it easier to complete and developing new guidelines to determine below threshold complaints. The board proposed changes to the educational requirements. Three public meetings have occurred and written

comment has been reviewed. The board is early in the process of these rule changes and is following the procedures and processes mandated by regulatory reform.

A major appellate case to affect the board was in re Deatherage. The board was unable to take action against licensees involving complaints arising from psychological services being performed as an expert witness for the court. Please look elsewhere in this newsletter for a more detailed analysis.

During 1997 the board was required to add a third oral examination in order to accommodate the large number of candidates. Hopefully, two oral examinations will be sufficient in 1998. I wish to thank the many pro-tem examiners who give up their Fridays and/or Saturdays to sit on examination panels. With their professionalism and dedication to psychology the board is able to further its mission of protecting the public. \*

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## Court Case Changes Board's Work

A March 1997 decision by the Washington State Court of Appeals is causing some significant changes in the Board's work. In *Deatherage v. State of Washington*, the court partially reversed a 1991 decision by the Board in a disciplinary case.

In 1989, psychologist Edward Deatherage had been charged with unprofessional conduct as a result of three kinds of conduct: 1) custody evaluations containing conclusions about a parent when that parent had not been interviewed and information provided by the other parent had not been verified, 2) failure to prevent sexual abuse of two children in his care, and 3) sexual contact with an adolescent client. In 1991, the Board revoked Dr. Deatherage's license upon findings on all three allegations. Dr. Deatherage appealed. The superior court upheld the Board's decision and most of its reasoning. Dr. Deatherage appealed further.

The Court of Appeals upheld the Board's findings of unprofessional conduct on the second and third

allegations and the revocation based on those findings. However, the Court reversed the finding of unprofessional conduct resulting from the custody evaluations. The Court held that expert witness immunity is absolute and prevents the Board from taking disciplinary action for work supporting the expert testimony. The court found that the detriment to full and frank testimony resulting from fear of professional discipline outweighs the Board's interest in policing the conduct of license holders.

Both the Department of Health and Dr. Deatherage have appealed to the Washington Supreme Court. The case will be heard during the 1997-98 session. In the meanwhile, the Board has suspended its rulemaking activities related to standards for custody evaluations. Additionally, complaints about psychologists serving as expert witnesses are being closed without action unless there are other issues involved. The Board will reassess its activity following the Supreme Court's decision. \*

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## Thank You

The Board would like to thank the following licensed psychologists who assisted with oral examinations on January 10-11, March 14 and July 11-12, 1997. The Board sincerely appreciates their assistance and dedication to the profession.

Marianne Barabasz, Ph.D.  
Dennis Dennis, Ph.D.  
John Forbes, Ph.D.  
Janis Horike, Ph.D.  
Wendy Hutchins-Cook, Ph.D.  
Thomas Land, Psy.D.  
Kathleen MacDonald, Ph.D.  
Christopher Martell, Ph.D.  
Michael Miller, Ph.D.  
Robert Prosser, Ph.D.  
Leslie Rawlings, Ph.D.  
Lenore J. Rubin, Ph.D.  
Kristen Solberg, Ed.D.  
Dennis A. Thoennes, Ph.D.

Carolyn D. Timmons, Ph.D.  
James J. Tracey, Ph.D.  
E.B. Vance, Ph.D.  
Thomas Wall, Ph.D.  
Carol Anne White, Ph.D.  
David White, Ph.D.  
Chuck Maurer, Ph.D.  
Stuart Greenberg, Ph.D.  
Kathleen O'Shaunessy  
John Berberich, Ph.D.  
Kerry Bartlett, Ph.D.  
Kristin Solberg, Ph.D.  
Gloria Rose Koepping, Ph.D.  
Barbara Hammond, Ph.D. \*

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## Adjudicative Process Project

Health Professions Quality Assurance Division has undertaken a project to fulfill the statutory mandate to establish time periods for the disciplinary process. The project is slated to last approximately six months and will result in adoption of rules that will apply to all regulated health care professions. RCW 18.130.095 requires rules establishing time periods for assessment, investigation, charging, discovery, settlement, and adjudication of complaints against health care providers. That statute also requires adoption of rules setting sanctions for violation of the time periods.

The Adjudicative Process Project has been charged with the following goals:

- comply with the statutory requirement for adoption of timeline rules
- identify current processes that are efficient and effective
- develop strategies to expedite cases and enhance consistency between programs

To begin the project, a comprehensive survey gathered quantitative information about how complaints are processed by

each disciplining authority and how long the process actually takes now. At the present time, informal input is being obtained from interested groups about timelines and sanctions. The interested groups include board and commissions, advisory committees, respondents' attorneys, the attorney general's office, and department staff. Following analysis of the survey data and the informal input, draft rules will be prepared. Comment sessions will allow all interested persons to review the drafts and provide additional input prior to rule adoption.

In the near future, several workgroups will examine strategies and options for process changes to increase efficiency and consistency. Throughout the project, balanced participation by interested public, adjudicative parties, members of professions, staff, and board and commission members will enhance the quality of the work. If you would like more information regarding this project, please contact project lead Margaret Gilbert at (360) 664-3066. \*

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## Legislative Mandate

House Bill 3901 was passed during the 1997 legislative session which requires the Department of Health to suspend the credential of a practitioner who has been certified by the Department of Social and Health Services and reported to the department for noncompliance of a child support order. The department has no discretion in these cases.

In order for the credential to be reinstated, it will be the responsibility of the practitioner to provide to the department a release issued by the Department of Social and Health Services

stating that the practitioner is in compliance with the support order. During the period of suspension, the practitioner must stop practicing, but must continue to meet all other requirements for the credential held.

In addition to suspending credentials for noncompliance of a support order, the department must also begin collecting social security numbers for all practitioners. In the near future, one time mailing will be sent to all practitioners asking for social security numbers. \*

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## Public forum held on proposed changes in the rules affecting psychologists

The Board has been working on possible amendments to sections of the Administrative Code which govern psychologist. On October 2, 1997, the Board held a Public Forum in Seattle to obtain comment and input concerning several "discussion points" related to amendments now being considered. Briefly summarized, these discussion points were:

1. Should instruction in psychopharmacology be required for licensure?
2. Should doctoral program administrators and clinical practicum supervisors be required to be licensed?
3. Should we revise the education and experience requirements for licensure?

4. Should we revise the continuing education requirements to provide credit for teaching courses?
5. Should license renewal be changed from one year to two years?

Comment was received, both orally and in written form. The Board expects to continue its own discussion of these matters before presenting proposed rule changes for additional public comment.

In the meantime, members of the profession and the public at large have a continuing invitation to comment on the subjects outlined above, and to bring to our attention any ideas or proposals for assuring that psychology maintains its status as a respected profession in the State of Washington. \*

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## Avoiding the appearance of bias

It is important for the Board not only to be fair when making disciplinary and licensure decisions, but also to avoid even the appearance of unfairness or bias. Potential problems of this type arise when a board member has a family, social or business relationship with a candidate for licensure, or with a psychologist about whom a complaint has been filed.

Problems of this type may also arise if other circumstances exist which could interfere with the board member's objectivity: for example, if a board member or close relative of a board member has been involved in litigation against a psychologist whose conduct has been brought to the Board's attention by way of a complaint.

Our policy is this: when a situation arises in which relationships or other involvement's raise legitimate questions about objectivity, the board member in question will recuse him or herself from

all deliberations, discussions and decisions about the individual who is seeking licensure or about whom a complaint has been made. The aim of this policy is to assure that our decisions cannot be questioned on grounds of bias.

For the recusal process to be effective it is necessary for board members to be aware of the relationships or involvements which could affect objectivity or the appearance of bias. To date, it has almost always been sufficient to rely on each board member's awareness of potential problems in this area. However, if a candidate for licensure or a complainee has concerns about the potential bias of a board member, it would be entirely appropriate for such person to bring this matter to the attention of the board before any decision is made. Well-founded concerns about bias or the appearance of bias will result in recusal. \*

## Informal Disciplinary Actions

The following are brief summaries of Stipulation to Informal Dispositions entered by the Board since the last newsletter. Stipulations to Informal Dispositions shall not be construed as an admission of wrongdoing, a finding of unprofessional conduct, or formal disciplinary action. Please be aware that as part of the stipulation, respondents are not identified by name in this publication. Copies of these Stipulation to Informal Dispositions may be obtained by submitting your request in writing to the Board office.

**Allegation:** Practicing on an expired license.

**Disposition:** Respondent agrees to restore active status of license by paying delinquent renewals and late renewal penalties, meet continuing education requirement, reimburse the Department of Health for the cost of investigating these allegations (\$1,500).

**Allegation:** Failure to release client records when requested in writing by the client and failure to disclose fee practices regarding tests prior to administration.

**Disposition:** Respondent will reimburse the Examining Board of Psychology for investigative costs (\$500) which may be waived; the client is reimbursed for testing fees and the requested records are

released. Respondent shall revise office policy statements regarding disclosure of testing fees, therapeutic orientation disclosure, and records retention and release.

**Allegation:** Custody evaluation found by the court to be the Respondent's opinion without justification.

**Disposition:** The Respondent will reimburse the Examining Board of Psychology for investigative costs (\$350), supervision of child custody cases for one year by a psychologist approved by the Board with quarterly reports submitted to the Board, completion of three hours of training in ethics related to child custody issues, and assume all costs associated with this agreement.

**Allegation:** Respondent provided joint psychological services to a married couple then provided individual therapy to one of the individuals. Respondent submitted a declaration in support of one of these individuals in a divorce proceeding.

**Disposition:** The Respondent will reimburse the Examining board of psychology for investigative costs (\$425), establish and participate in a consulting relationship with a psychologist approved by the Board, and assume all costs associated with this agreement. \*

## Complaint Statistics

Complaint Type	1996 Complaints		1997 Complaints	
	Received	Resolved	Received	Resolved
Unlicensed practice .....	14	10	6	3
Sexual contact with patient/client .....	2	1	3	2
Dishonesty .....			1	1
Unprofessional conduct .....	43	24	11	11
Fraudulent billing or dispute .....	9	7	3	3
Standard of care .....			19	16
Fraudulent reports/testing .....	6	4	9	9
Practice w/expired license .....			1	1
Failure to cooperate .....			4	4
<b>Total</b> .....	<b>74</b>	<b>46</b>	<b>57</b>	<b>50</b>

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## Disciplinary Actions

The following are brief summaries of the formal disciplinary actions taken by the Board` since the last newsletter. Please be aware that sanctions can vary due to mitigating and aggravating circumstances specific to each individual case. Copies of the charges and orders for these or other disciplinary actions may be obtained by submitting your request in writing to the Board office.

### **Phyllis B. Mast, Ph.D.**

**Complaint:** The board received a report alleging the respondent engaged in an inappropriate relationship with a client during the time she was an applicant for licensure.

**Sanction:** The Board accepted a Stipulated Findings of Fact, Conclusions of Law, and Agreed Order. The Respondent's license to practice as a psychologist is suspended for at least one year; however, the suspension is stayed upon compliance with the following terms and conditions: Payment of a \$5,000 fine; submission of a written statement of how her understanding of boundaries and dual relationships in clinical psychology practice has changed since 1984 and describing what measures she has taken to modify her practice to assure appropriate boundaries and avoid inappropriate dual relationships; one year of practice supervision by a psychologist approved by the Board with quarterly reports to the board; and, a written statement to the Board upon reinstatement summarizing the supervisory experience.

### **Griselda Perretz-Rosales, Ph.D.**

**Complaint:** The Board received a report alleging that the respondent had engaged in multiple relationships with a client, failed to provide a disclosure statement, and did not maintain billing records for a client.

**Sanction:** The Board accepted a Stipulated Findings of Fact, Conclusions of Law, and Agreed Order. The respondent is placed on probation for a period of two years during which her psychology practice must be supervised by a psychologist or psychiatrist approved by the Board. She must also complete three hours of training in diagnosis and treatment of borderline personality disorder and three hours of training in professional ethics, pay a fine of \$5,000, and pay all costs associated with complying with the Agreed Order.

### **E. Michael Pieracci, Ph.D.**

**Complaint:** The board received a report alleging the respondent terminated a therapeutic relationship with a client to engage in a personal and sexual relationship and did engage in those inappropriate relationships.

**Sanction:** The Board accepted a Stipulated Findings of Fact, Conclusions of Law, and Agreed Order. The Respondent's license to practice as a psychologist shall be and is suspended for at least five years; however, the suspension is stayed subject to compliance with the following terms and conditions: Therapy with a psychologist or psychiatrist approved by the Board, with quarterly progress reports to the Board; supervision of the Respondent's psychology practice by a psychologist approved in advance by the Board with quarterly reports to the Board; completion of ten hours of Board approved continuing education in setting and maintaining professional boundaries, and three quarter hours (two semester) of Board approved training in health profession ethics at the university level or the equivalent. The Respondent must pay a \$3,000 fine and be responsible for all costs of complying with the Agreed Order. *(Continued on page 7)*

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## Disciplinary Actions

(Continued from page 6)

### James Goodwin, Psy.D.

**Complaint:** The Board received multiple complaints of unprofessional conduct in relation to client assessment, treatment, ethical standards, and disclosure of confidential information without informed written consent.

**Sanction:** The Board and the Respondent stipulated to findings, conclusions, and an order requiring the respondent to (a) perform a differential diagnosis of every client using the Diagnostic and Statistical Manual 4th Edition, (b) revise his disclosure statement to reflect his therapeutic orientation and treatment methodology, (c) recognize that his

mode of treatment will not necessarily be congenial to every client, (d) obtain written permission to disclose treatment experiences of previous clients, (e) enter into a practice advisory relationship with an individual approved by the Board, and (f) assume all costs of complying with the Agreed Order.

### Margaret McHugh, Ph.D.

**Complaint:** The Board received a report alleging errors in treating a suicidal client, and further errors alleging irregularities following the client's death.

**Sanctions:** Prior to the issuance of a Statement of Charges, the Respondent had initiated an intent to retire. In lieu of charges, Respondent was permitted to retire permanently. \*

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## Examination Results

### Oral Examination Results

	July 1996	Jan. 1997	Mar. 1997	July 1997
Total Number Tested .....	61	70	20	30
First Time Takers .....	52	64	16	27
Passed .....	45	53	14	19
Failed .....	7	11	2	8
Retakers .....	9	6	4	3
Passed .....	7	2	3	2
Failed .....	2	4	1	1

### Written Examination Results

	Apr. 1996	Oct. 1996	Apr. 1997	Oct. 1997
Total Number Tested .....	41	28	29	29
First Time Takers .....	34	25	25	20
Passed .....	32	19	17	17
Failed .....	2	6	8	3
Retakers .....	7	3	4	9
Passed .....	3	0	2	6
Failed .....	4	3	2	3

## Newly Licensed Psychologists

The Washington State Examining Board of Psychology is pleased to announce that the following psychologists were licensed in 1997.

### January 10-11, 1997

Barbara Bliss, Psy.D.  
Lea Bachman, Psy.D.  
Monique Cherrier, Ph.D.  
Cassandra Clark, Ph.D.  
Kim Collier, Ph.D.  
John Estelle, Ph.D.  
Joseph Gretschi, Psy.D.  
Mark Hawley, Ph.D.  
John Huber, Ph.D.  
Tye Hunter, Ph.D.  
Mary Larimer, Ph.D.  
Joseph Mills, Ph.D.  
John Powell, Ph.D.  
Kenneth Roughton, Ph.D.  
Michelle Shober, Psy.D.  
Harold Smith, Ph.D.  
Angela Sorenson, Ph.D.  
Leah Stock, Ph.D.  
Nora Thompson, Ph.D.  
Walter Teachout, Ph.D.  
Gregory Charboneau, Ed.D.  
Victor Burnstein, Ph.D.  
Allan M. Leland, Psy.D.  
Johnny Perini, Psy.D.  
Leslie Poppe, Ph.D.  
Jennifer Antick, Ph.D.  
Cynthia Jacox, Ph.D.  
Paul Connor, Ph.D.  
Kenneth Ross, Ph.D.  
Daniel Salzer, Ph.D.  
Laurie Engelbeck, Ph.D.  
Lynn Katz, Ph.D.  
Kristine Harrison, Psy.D.  
Diane Tognazzini, Ph.D.  
Lisa Harms, Ph.D.  
Bradford K. W. Chang, Ph.D.  
Andrea Jewell, Psy.D.  
John Mark Davis, Ph.D.  
Lisa Boesky, Ph.D.  
Kristina Grindee, Ph.D.  
Lynne Magner, Ph.D.  
Peter Powers, Ph.D.  
Felice Orlich, Ph.D.  
James Powell, Ph.D.  
Karen C. Anderson, Ph.D.  
Rosalind Huang, Psy.D.  
Naeela Chaudry, Ph.D.  
David Christian, Ph.D.  
Andrea Dorsch, Ph.D.  
Warren Drew, Psy.D.  
Steven Katz, Ph.D.  
Eric Denson, Ph.D.  
Shann Ferch, Ph.D.  
Mary Mangione-Lambie, Ph.D.  
Nancy Heilman, Ph.D.

### March 14, 1997

Roderick Calkins, Ph.D.  
Kimberly Chupurdia, Ph.D.  
Karen Edith Clark, Ph.D.  
Kathryn Ekemo, Ph.D.  
Larry Galpert, Ph.D.  
Kimberly Hagan, Ph.D.  
Melissa McCreery, Ph.D.  
Diane Medved, Ph.D.  
Nicole Ogier, Psy.D.  
Peter Okulitch, Ph.D.  
James Parker, Ph.D.  
Irene Powch, Ph.D.  
Melody Rhode, Ph.D.  
John Slattery, Ph.D.  
Jason Weissner, Ph.D.  
J. Russell York, Ph.D.  
Christina Zampich, Psy.D.  
Nora Thompson, Ph.D.

### July 11-12, 1997

Mary Candelaria, Psy.D.  
Kent Cannon, Psy.D.  
Jane Curtis, Ph.D.  
Steven Curtis, Ph.D.  
K. Mark Derby, Ph.D.  
Jason Doctor, Ph.D.  
Bill Ekemo, Ph.D.  
Anthony Eusano, Ph.D.  
Robert Freeman, Ph.D.  
Cynthia Goins, Ph.D.  
Steven Hymen, Ph.D.  
Kelly Johnson, Ph.D.  
Thomas LeCompte, Psy.D.  
Rebecca Nerison, Ph.D.  
Richard Ohrbach, Ph.D.  
Douglas Rait, Ph.D.  
Robert Strazicich, Psy.D.  
Marlin Trulsen, Ph.D.  
Carla van Dam, Ph.D.  
Elizabeth Wasson, Ph.D.  
Gerry Weber, Ph.D.  
Janice Wiemeyer, Ph.D.

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## 1998 Important Board Dates

January 9-10, 1998 ..... Oral exams  
February 13, 1998 ..... Board meeting  
March 13, 1998 ..... Board meeting  
April 8, 1998 ..... National written examination  
April 17-18, 1998 ..... Board meeting  
May 8, 1998 ..... Board meeting  
June 12, 1998 ..... Board meeting  
July 10-11, 1998 ..... Oral exams  
September 11, 1998 ..... Board meeting  
October 9, 1998 ..... Board meeting  
November 13, 1998 ..... Board meeting  
December 11, 1998 ..... Board meeting







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